NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT SUTANTO TJONG; ELLYANA SULISTIO TJONG, Petitioners, v. ALBERTO R. GONZALES, Attorney General, Respondent.	No. 04-73872 Agency Nos. A75-765-343 A75-765-344 MEMORANDUM [*]

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 8, 2005 [**]

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

Robert Sutanto Tjong and Ellyana Sulistio Tjong, natives and citizens of

Indonesia, petition for review of the Board of Immigration Appeals' ("BIA")

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[*]   This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

[**]   This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

decision affirming without opinion an immigration judge's ("IJ") order denying

their motion to reopen removal proceedings conducted in absentia. We have

jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of

a motion to reopen, *Sharma v. INS*, 89 F.3d 545, 547 (9th Cir. 1996), and we deny

the petition for review.

To reopen proceedings, the Tjongs must demonstrate that "exceptional

circumstances" caused their failure to appear at a hearing before the IJ. *See*

8 U.S.C. § 1229a (b)(5)(C)(i). The IJ did not abuse his discretion in determining

that the severe weather and ensuing traffic problems encountered by the Tjongs did

not rise to the level of exceptional circumstances. *See* 8 U.S.C. § 1229a (e)(1)

(defining exceptional circumstances as those, "such as serious illness of the alien

or serious illness or death of [a family member], but not including less compelling

circumstances [] beyond the control of the alien"); *Sharma,* 89 F.3d at 547-48

(holding that the BIA correctly decided that traffic congestion and parking

difficulties did not constitute exceptional circumstances).

PETITION FOR REVIEW DENIED.